

## CHAPTER 39

# OGDEN VALLEY LIGHTING

2000-3

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### 39-1 Purpose and Intent.

In order to preserve the rural character and public values of the Ogden Valley, this ordinance is intended to regulate the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky, glare to on-coming traffic, intrusion of light onto adjacent properties, and light pollution in general, which may have a detrimental effect on the welfare and safety of the populace, as well as the ambiance and rural character of the Valley.

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### 39-2 Applicability.

This ordinance applies to commercial, industrial, multi-family, public and quasi-public uses.

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### 39-3 Conformance with Applicable Regulations.

All outdoor artificial illuminating devices, unless exempted, shall be installed in conformance with the provisions of this Ordinance, the Zoning Ordinance, including the Ogden Valley Lighting Ordinance, Chapter 39, and any Building Codes which may hereafter be enacted, as applicable. 2002-15

Where any provisions of any of the Utah State Code or any Federal law, or any companion Zoning Ordinance comparatively conflicts with the requirements of this outdoor light control ordinance, the most restrictive shall be applied.

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### 39-4 Definitions.

A. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights for:

- i. Building and structures,
- ii. Recreation areas,
- iii. Parking lot lighting,
- iv. Landscape lighting,
- v. American Flag

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- vi. Advertising or other signage, and/or
- vii. Street lighting.
- vii. Festive Lighting: Festive, festoon or strings of lights, which are suspended from an electrical conductor or messenger cable, between two (2) points, and limited to small individual bulbs on a string where the spacing of bulbs is not closer than three (3) inches and where the output per bulb is no greater than four (4) watts.

Festive lighting may be used to outline structures and landscaping; however, shall not blink, flash or simulate motion. Festive lights are encouraged to be turned off by 10:00 p.m. or after close of the individual's business hours.

Festive lighting, as defined, above, is exempt from other requirements of this chapter.

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- B. **Individual.** Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures, or corporations.
- C. **Installed.** Shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Ordinance but shall not apply to those outdoor light fixtures installed prior to such date, unless such light fixtures are replaced or significantly, structurally altered.

### 39-5. General Requirements.

- A. Shielding  
All exterior illumination devices, except those exempt from this Ordinance, and those regulated by Section 00.5.C, shall be fully or partially shielded as required in Section 00.4.C.
  - i “Fully Shielded “ shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
  - ii “Partially Shielded” shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.
- B. Filtration
  - i Those outdoor light fixtures requiring a filter in Section 00.4.C shall be equipped with a filter whose transmission is less than five percent (5%) total emergent flux at wavelengths less than thirty-nine hundred (3900) angstroms. Total emergent flux is defined as that between 3000 and 7000 angstrom units.
  - ii It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose transmission is less than ten percent (10%) total emergent flux at wavelengths less than forty-four hundred (4400) angstroms.
  - iii Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

C. Requirements for Shielding and Filtering

The requirements for the shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

REQUIREMENTS FOR SHIELDING AND FILTERING

<u>FIXTURE LAMP TYPE</u>	<u>SHIELDED</u>	<u>FILTERED (4)</u>	
Low Pressure Sodium (1)	Partially	None	
High Pressure Sodium	Fully	None	
Metal Halide (6)	Fully	Yes	
Fluorescent	Fully (5)	Yes (2)	
Quartz (3)	Fully	None	
Incandescent Greater than 100 W	Fully	None	2003-18
Incandescent Less than 100 W	None	None	2003-18
Mercury Vapor	Fully (7)	Yes (7)	
Gas Filled Tubes (neon, argon, krypton)	None	None	
Natural Gas/Fossil Fuels	None	None	
Other source	As approved by the Planning Commission		

**FOOTNOTES:**

- i. *This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.*
- ii. *Warm white and natural lamps are preferred to minimize detrimental effects.*
- iii. *For the purposes of the Ordinance, quartz lamps shall not be considered an incandescent light source.*
- iv. *Most glass, acrylic or translucent enclosures satisfy these filter requirements.*
- v. *Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.*
- vi. *Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) Unless fully shielded. Metal halide lamps shall be in enclosed luminaries.*
- vii. *Recommended for existing fixture. The installation of mercury vapor fixtures is prohibited effective 90 days after the date of adoption of this Ordinance.*

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**39-6. Side yard requirements.**

Lighting within side yards shall not exceed two (2) foot candles of illumination at the property line, and shall not exceed one-half (½) foot candle within 10 feet over the adjacent property line.

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**39-7. Prohibitions.**

**i. Searchlights**

The operation of searchlights for advertising purposes is prohibited.

**ii. Recreational Facility**

No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m., except to conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.

**iii. Outdoor Building or Landscaping Illumination**

The unshielded outdoor illumination of any building, landscaping, American Flag, signage or other purpose is prohibited except with incandescent fixtures less than 100 Watts. 2003-18

iv. **Mercury Vapor**

The installation of mercury vapor fixtures is prohibited effective ninety (90) days after the date of adoption of this Ordinance.

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**39-8. Permanent Exemptions.**

**A. Fossil Fuel Light**

Produces directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

**B. Federal and State Facilities**

Those facilities and lands owned, operated as protected by the U.S. Federal Government or the State of Utah are exempted by law from all requirements of this Ordinance.

**C. Residential and Agriculture**

Single-family dwellings, two-family dwellings and agricultural uses shall be exempt from requirements of this Ordinance.

**D. Variance**

The Board of Adjustment may grant a special exemption to the requirements of Section 00-4.C only upon written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

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**39-9. Procedures for Compliance.**

**A. Applications**

- i. Any applicant for a Land Use Permit and/or Building Permit, intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this Ordinance.
- ii. All other individuals intending to install outdoor lighting fixtures shall submit an application to the County Planning Commission providing evidence that the proposed work will comply with this Ordinance.
- iii. Utility companies entering into a duly approved contract with the County in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

**B. Contents of Application or Submittal**

The submittal shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Weber County Zoning Ordinance upon application for the required permits:

- i. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
- ii. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to, manufacturers catalog cuts, and drawings (including sections where applicable).

The above required plans and descriptions shall be sufficiently complete to enable the County Planning Director to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant

shall submit evidence of compliance by certified test reports as performed by a recognized testing laboratory.

**C. Issuance of Permit**

Upon compliance with the requirements of this Ordinance, the County Planning Director shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of the Land Use Permit and/or Building Permit or Site Design Review, the issuance of the Land Use Permit and/or Building Permit will be made if the applicant is in compliance with this Ordinance as well as the other requirements for issuance under the Zoning Ordinance. Appeal procedures of this Ordinance are through the Planning Commission.

**D. Amendment to Permit**

Should the applicant desire to substitute outdoor light fixtures or lamps, or cause any change in the approved design, after a permit has been issued, the applicant shall submit all changes to the Planning Commission for approval, with adequate information to assure compliance with this Ordinance.

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**39-10. Temporary Exceptions.**

**A. Request for Temporary Exception**

Any individual may submit a written request to the Weber County Planning Commission, for a Temporary Exemption to the requirements of this Ordinance, such exemption to be valid for up to three (3) months.

A written request for Temporary Exception shall contain minimally the following information:

- A. Specific exemptions requested,
- ii. Type and use of exterior light involved,
- iii. Duration of time for requested exemption,
- iv. Type of lamp and calculated lumens,
- v. Total wattage of lamp or lamps,
- vi. Proposed location of exterior light,
- vii. Previous temporary exceptions, if any,
- viii. Physical size of exterior light and type of shielding provided.

In addition to the above data, the County may request any additional information which would enable a reasonable evaluation of the Request for Temporary Exception.

**B. Appeal for Temporary Exemption**

An appeal of a decision of the Planning Commission shall be heard by the Board of Adjustment.

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**39-11. Effective Date.**

The effective date of this ordinance shall be 15 days after adoption by the County Commissioners.

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